



Application granted. The Clerk of Court is respectfully requested to terminate ECF 277.

April 22, 2025

Date: April 22, 2025
New York, NY

SO ORDERED


ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE

VIA ECF

Hon. Robyn F. Tarnofsky
United States District Court for the Southern District of New York
500 Pearl Street,
New York, NY 10007

Re: Z.O. v. New York City Dep't of Educ. et al, No. 20-cv-09866 (S.D.N.Y.)

Dear Judge Tarnofsky,

Pursuant to Section III(E) of Your Honor's Individual Practices in Civil Cases, Plaintiffs respectfully request that they be permitted to file under seal portions of the parties' signed stipulation regarding the withdrawal of Plaintiffs A.W. and J.W. as named class representatives and the dismissal without prejudice of the individual claims of A.W. and J.W. ("Stipulation"). The portions of the Stipulation that Plaintiffs seek to have sealed contain information related to A.W.'s and J.W.'s identities—specifically, A.W.'s full name and A.W.'s and J.W.'s home address. This Court has already granted a virtually identical request for sealing this information. *See* ECF No. 268.

As reflected in Rule 5.2(a) of Federal Rules of Civil Procedure and relevant federal laws, it is appropriate to shield the identifies of children and their parents, as well as related personally identifying information, from disclosure on the public docket. *See* Fed. R. Civ. Pro. 5.2(a); 20 U.S.C. §1417(c), and the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g. This is particularly true in the context of special education cases, in which minors and their parents are routinely excused from listing their full names and other identifying information in the case captions and other filings. *See M.H. v. New York City Dep't of Educ.*, 685 F.3d 217 (2d Cir. 2012); *see also T.K. v. New York City Dep't of Educ.*, 810 F.3d 869 (2d Cir. 2016); *C.Q. v. New York City Dep't of Educ.*, No. 21-CV-3 (JGK), 2024 WL 4979293 (S.D.N.Y. Dec. 3, 2024); *P.L. v. New York Dep't of Educ.*, 56 F. Supp. 3d 147 (E.D.N.Y. 2014); *see also Dasler v. Washburn*, No. 23-1156, 2024 WL 1787123, at *3 (2d Cir. Apr. 25, 2024), *cert. denied*, No. 24-6530, 2025 WL 951197 (U.S. Mar. 31, 2025) (directing the Clerk of the Court to seal from public view documents which included a minor's full name). This is commonly done in the context of special education.

Consistent with this well-established policy, the interests of children and their parents in maintaining their privacy far outweighs any interest the public could conceivably have in the disclosure of their identities. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006); *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132 (2d Cir. 2016).

Here, although the Stipulation is a judicial document, and thus subject to a presumption of public access, the privacy interests of A.W. and J.W. in maintaining confidentiality over their identities outweigh the presumption of access. *See Lugosch*, 435 F.3d at 119–20. A.W.’s and J.W.’s privacy interests are particularly acute in this case, where plaintiffs had sued the school system in which J.W. is still enrolled. *See Bernstein* 814 F.3d at 143. Further, any public interest in the material Plaintiffs wish to seal—the identifying information of A.W. and J.W.—is minimal. *See id.* And most of the information within the Stipulation will be left unredacted on the public record. Plaintiffs only seek to redact A.W.’s full name and A.W.’s and J.W.’s home address. This limited set of redactions, narrowly tailored to just the portions of the Stipulation that could be used to identify A.W. and J.W., is consistent with the measured approach counseled by *Lugosch* and *Bernstein*.

Plaintiffs communicated with counsel for Defendants on April 17 and April 18, notifying Defendants of our intent to file the Stipulation under seal. Defendants indicated that they will not oppose.

For the foregoing reasons, Plaintiffs respectfully request that the Court grant Plaintiffs request to file the redacted portions of the Stipulation under seal.

Respectfully submitted,

By: /s/ Joshua Kipnees

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Exhibit A

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Z.Q., et al., on behalf of themselves and all
others similarly situated,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION, et al.,

Defendants.

20-CV-9866 (JAV) (RFT)

**STIPULATION REGARDING WITHDRAWAL OF PLAINTIFFS A.W. AND J.W. AS
NAMED CLASS REPRESENTATIVES AND DISMISSAL WITHOUT PREJUDICE
OF THEIR INDIVIDUAL CLAIMS**

IT IS STIPULATED AND AGREED, by Plaintiffs and Defendants, through authorized counsel below, and *pro se* Plaintiffs A.W. and J.W. that (1) Plaintiffs A.W. and J.W. in the above-captioned case hereby withdraw as named representatives of the proposed class and subclasses, and (2) the individual claims asserted by Plaintiffs A.W. and J.W. in this case are voluntarily dismissed without prejudice.

Dated: April 18, 2025

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